II. Remarks

Formal matters

Claims 1, 5, 6, 10-13, 16, 27-33, 37, 38, 42, 43, 48-51, 54 and 65-77 are pending after entry of the amendments set forth herein.

Claims 2-4, 7-9, 14, 15, 17-26, 34-36, 39-41, 44-47, 52, 53 and 55-64 were previously canceled.

Claims 75-77 are added. Support for new claims 75-77 is found in the claims as originally filed, and throughout the specification, including the following exemplary locations: Abstract for new Claim 75; original Claim 42 for new Claim 76; original Claims 43-47 for new Claim 77. Accordingly, no new matter is added by these new claims.

Applicants respectfully request entry of the amendments to the claims shown above.

Restriction Requirement

The Applicants hereby elect to prosecute the claims of **Group I**, claims 1, 5, 6, 10-13, 16, 27-30, 72 and 73, with traverse. As stated in the MPEP §803, if search and examination of an entire application can be made without serious burden, the examiner must examine the entire application on the merits, even though the entire application includes claims to independent or distinct inventions. It is the Applicants' position that it would not be unduly burdensome to perform a search on all of the claims together in the present application.

As indicated in independent Claim 33 of Group III, the claims of Group III, Claims 33, 37, 42, 43, 48-51, 54, 65-69 and 74, are directed to a composition for solubilization of paclitaxel including emulsifier comprising a monoolein, an oil, an emulsifier, and paclitaxel. On the other hand, independent Claim 1 of Group I is directed to a composition for solubilization of paclitaxel comprising a monoolein, an oil, and paclitaxel. Thus, the claims of Group III include the elements of Claim 1 of Group I. Given such, there is a close relationship between the inventions listed as Groups I and III. Based on this relationship, the Applicants respectfully request that at least the claims of Group III be examined along with elected Group I claims.

Accordingly, the Applicants traverse the restriction requirement.

Election of Species Requirements

The Applicants hereby elect to prosecute the following species with traverse:

- an insoluble drug as the additive species,
- an anticancer drug as the insoluble drug species,
- a paclitaxel derivative as the anticancer drug species,
- docetaxel as the paclitaxel derivative,
- (i) heating mixture of step 1 as the means for speeding up dissolution process (as required in paragraph 3, page 3 of the Office Action),
- (iii) heating and sonicating the mixture of step 2 as the means for speeding up dissolution process (as required in paragraph 7, page 3 of the Office Action)

The Office Action stated that claims 11-13, 28, 49-51, and 66 are generic.

The claims that read on the elected species include claims 11-13, 28-30, 49-51, and 66-69.

As set forth in 37 C.F.R.§1.146 and MPEP §808.01(a), an election of species requirement is proper where an application contains claims to more than a reasonable number of species, and where there would be a serious burden on the examiner if restriction were not required.

It is Applicants' position that the number of species set forth in the Office Action is not unreasonable, and that it would not be a serious burden on the examiner to perform a search on each of the species.

The Applicants expressly reserve the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter or any subject matter disclosed in this application during the pendency of this application.
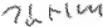
III. CONCLUSION

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number HANO-001.

Respectfully submitted,

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Date: 7 February 2008   By: _____

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